

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

**UNITED STATES OF AMERICA,  
THE STATE OF MISSOURI, ex rel.  
ERIC SCHMITT, Attorney General,  
and the MISSOURI DEPARTMENT OF  
NATURAL RESOURCES,**

**Plaintiffs,**

**vs.**

**HPI PRODUCTS, INC., ST. JOSEPH  
PROPERTIES, LLC, and  
WILLIAM GARVEY,**

**Defendants.**

**Case No.: 5:08-CV-06133-DGK**

**TEMPORARY RECEIVER’S FEBRUARY 3, 2022 STATUS REPORT**

The Estate of HPI Products, Inc. et al. Receivership LLC, (“Temporary Receiver”), pursuant to Plaintiffs’ request, hereby notifies the Court of the following developments since the Temporary Receiver’s appointment pursuant to the Court’s order dated January 14, 2022 (ECF 89, the “Order”):

- The Temporary Receiver has temporarily assumed control over the Receivership Assets that the Temporary Receiver has located, and the Temporary Receiver continues to seek the Receivership Defendants’ cooperation in fully identifying the location and amount of all Receivership Assets;
- In close collaboration with the Plaintiffs and with support from a third-party professional (Environmental Works, Inc. [“EWI”]) with experience and expertise in environmental compliance matters, the Temporary Receiver continues to evaluate whether, when, and how to facilitate the resumption of the Receivership Defendants’ business operations involving the generation of waste;

- Currently, the Temporary Receiver and EWI are overseeing certain continuing operations at the Receivership Defendants' facilities located at 317 W. Florence Road and 1301 South 11th Street and the contiguous property at 1421 S. 11<sup>th</sup> Street; and
- The Temporary Receiver and EWI are coordinating with the Plaintiffs and certain other permitting authorities regarding the potential resumption of operations at the Receivership Defendants' facility located at 222 Sylvania Street to ensure, at a minimum, that any such business operations and/or waste generation activities would be performed safely and in strict compliance with all applicable laws, permits, and regulations with the goal of generating additional income to fund environmental compliance obligations, including compliance with the 2011 Consent Decree.

Based on the foregoing, the Temporary Receiver's expected scope of work under the Order has been affected, and the Temporary Receiver has therefore begun to engage the Plaintiffs on potential amendments to the Statement of Work attached to the Order for the remainder of the sixty (60)-day period set forth in the Order. During this time, the Temporary Receiver will continue to assess—and ultimately report to the Plaintiffs and the Court – the Receivership Estate's financial ability to fund the Receivership Defendants' environmental compliance obligations. Lastly, the Temporary Receiver has advised the Plaintiffs, and by this Status Report, the Court, that it is unable to serve in its capacity beyond the sixty (60)-day initial appointment term due to other court appointments and commitments and the time and resources required to responsibly and safely shut down operations and/or oversee continued operations. The Temporary Receiver has requested that the Plaintiffs prepare for an orderly transition at the end of the initial term (or soon thereafter).

**Respectfully submitted,**

**BRYAN CAVE LEIGHTON PAISNER LLP**

By: /s/ Michelle M. Masoner

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COUNSEL FOR TEMPORARY RECEIVER

**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2022, I electronically filed the foregoing document with the Clerk of the Court via the efilings system, which sent notice to all counsel of record.

/s/Michelle M. Masoner

Attorney for Receiver